

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

FEDERAL TRADE COMMISSION,

Civ. No. 1:16-cv-00720-CL

Plaintiff,

OPINION AND ORDER

v.

ADEPT MANAGEMENT INC., et al,

Defendants.

CLARKE, Magistrate Judge.

This case comes before the Court on a post-judgment motion for reconsideration (#732) filed by defendant Noel Parducci and joined by defendant Shannon Bacon. Additionally, the FTC requests amendment to the Court's Order for Permanent Injunction (#730). For the reasons below, defendants' motion (#732) is DENIED and the FTC's request is GRANTED.

First, neither defendant conferred with the FTC regarding the filing of the motion, as required by Local Rule 7-1(a). While both defendants are unrepresented and entitled to some leniency, they are required to follow the Federal Rules of Civil Procedure, as well as the Local Rules of the District of Oregon.

Second, it is clear to the Court from the papers submitted by the defendants and the FTC that the FTC is willing to work with the defendants to ensure understanding of and compliance with the Court's Order for Injunction, as demonstrated by FTC attorney Krista Bush's letter in response to the specific, detailed inquiry from defendant Lydia Pugsley. *See* Attachment 1 to FTC Resp. (#736).

Third, the Court will amend the Injunction as requested by the FTC in order to clarify the parameters for requesting FTC assistance. The FTC is correct that the FTC cannot provide legal advice to the defendants, nor can the Court. The FTC also cannot amend or provide exemptions to a Court-ordered Injunction. Therefore, any opinions offered by FTC lawyers should be taken as non-binding guidance on the specific circumstances presented by the defendant.

ORDER

Defendant's motion is DENIED.

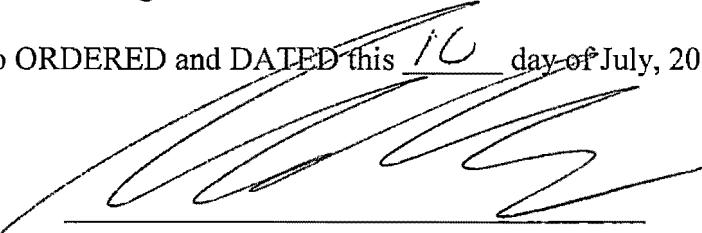
The Court's Order for Permanent Injunction (#730) is hereby amended as follows. On page 3, the language in Section 1, paragraph 2¹ is deleted. This language is replaced with the following:

If an Individual Defendant believes a prospective job or position may run afoul of Section I, that Defendant may make a written submission, sworn under penalty of perjury, for an FTC staff advisory opinion. Such request must describe, in detail, the proposed relevant circumstances, including by specifically identifying the basis for the Individual Defendant's belief about possible violations of Section I. Any subsequent change in circumstances that an Individual Defendant knows, or should know, may violate Section I must be immediately identified to FTC staff by a second such submission, or the Defendant will have constructive notification of revocation of the opinion. An FTC staff opinion is advisory only, may be rescinded, and does not bind the Commission.

¹ Full deleted text: "Defendants may request an exemption or seek advice from the FTC if he or she believes a particular job or position may run afoul of this provision. Even if permission is granted, all other terms of this injunction, including compliance reporting and compliance monitoring, must still be followed by that defendant."

The Court will vacate the Order for Permanent Injunction (#730) and enter an Amended Order for Permanent Injunction to reflect this change.

It is so ORDERED and DATED this 10 day of July, 2019.



MARK D. CLARKE
United States Magistrate Judge